

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HUAWEI TECHNOLOGIES CO. LTD.,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC., et al.

Defendants.

VERIZON BUSINESS NETWORK
SERVICES, INC., et al.

Counterclaim-Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO. LTD.,
et al.

Counterclaim-Defendants.

No. 2:20-cv-030-JRG

Jury Trial Demanded

**UPDATED JOINT PRE-MARKMAN REPORT OF TERMS TO ARGUE, AGREED
CONSTRUCTIONS, AND TERMS AGREED TO BE SUBMITTED ON THE BRIEFING**

Huawei Technologies Co. Ltd., Huawei Technologies USA, Inc., and Futurewei Technologies Inc. (“Huawei”), and Verizon Business Network Services, LLC, Cellco Partnership D/B/A Verizon Wireless, Verizon Data Services LLC, Verizon Business Global LLC, Verizon Services Corp., and Verizon Patent and Licensing Inc. (“Verizon”), respectfully submit this updated Report for the Markman Hearing scheduled for December 17, 2020 to notify the Court of (1) the identification of the arguing attorneys for each disputed term to be argued; (2) the parties’ additional agreement on claim terms; and (3) the parties’ agreement to submit certain claim term disputes on the briefing.

A. TERMS TO ARGUE

The parties identify the following terms and arguing attorneys for argument at the Markman hearing:

’433 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei’s Attorney(s)	Verizon’s Attorney(s)
1	1, 6 10, 14	“data blocks containing data only” / “data block group containing data blocks only”	Justin Nemunaitis	Deepa Acharya
2	1, 6	“control block buffer” / “data block buffer”	Justin Nemunaitis	Deepa Acharya

’151 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei’s Attorney(s)	Verizon’s Attorney(s)
7	1, 7	“the mapping the single low-rate traffic signal to the single low-rate traffic OPU is performed using a General Framing Procedure (GFP) or other adaptation	Justin Nemunaitis	Deepa Acharya

		protocols ”		
12	1, 6	“rate rank”	Justin Nemunaitis	Deepa Acharya

'982 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei's Attorney(s)	Verizon's Attorney(s)
19	1	“time slot”	Justin Nemunaitis	Patrick Stafford

'236 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei's Attorney(s)	Verizon's Attorney(s)
22	1-15	“client signal byte number Cn”	Hamad Hamad	Charles Verhoeven
23	1-3, 7-9, 15	“if the Cn transported in the OTN frame needs to be [increased / decreased]” / “the Cn transported in the OTN frame doesn't need to be increased or decreased”	Hamad Hamad	Charles Verhoeven

'505 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei's Attorney(s)	Verizon's Attorney(s)
30	1-4	“Optical Channel Data Tributary Unit (ODTU) [frame]”/“ODTU [frame]”	Hamad Hamad	Charles Verhoeven
32	2, 3	“n-bit data units” / “n indicating the number of the multiple OPUk TSs”	Hamad Hamad	Charles Verhoeven

'253 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei's Attorney(s)	Verizon's Attorney(s)
36	1, 4, 6,	“judging . . . whether	Alexander Waldrop	Brett Watkins

	9, 14	<p>the identifier contained in the fault alarm message is different from a fault identifier record stored in the second node” (claim 1)</p> <p>“judge . . . whether the identifier extracted from the fault alarm message is different from the fault information stored in the fault information storing module” (claim 4)</p> <p>“judge . . . whether the identifier contained in the fault alarm message is different from a fault identifier record stored in the second node” (claim 6)</p> <p>“determining . . . whether the identifier contained in the fault alarm message is different from a fault identifier record stored in the first node” (claim 9)</p> <p>“determine whether the identifier contained in the fault alarm message is different from a fault identifier record stored in the first node” (claim 14)</p>		
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'111 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei's Attorney(s)	Verizon's Attorney(s)
47	6, 12, 16, 22, 26, 30	<p>“wherein the first time stamp comprises information reflecting a round trip delay of the network” (6, 16, 22, 30)</p> <p>“wherein the information of the first time stamp reflects a round trip delay of a network” (12)</p> <p>“wherein the information reflects a round trip delay of a network;” (1, 26)</p>	Seth Reich	Brian Mack

'288 Patent Terms And Attorneys				
No.	Claims	Claim Term	Huawei's Attorney(s)	Verizon's Attorney(s)
59	1, 12	<p>“wherein the first time stamp was inserted into one of a frame alignment overhead portion, an optical channel transporting unit overhead portion, an optical channel data unit overhead portion, and an optical channel payload unit overhead portion of a first overhead of a first optical transport</p>	Seth Reich	Brian Mack

		unit frame based on at least a characteristic of the first time stamp”		
60	6	“transmitting the first time stamp associated with the first location inserted into one of a frame alignment overhead portion, an optical channel transporting unit overhead portion, an optical channel data unit overhead portion, and an optical channel payload unit overhead portion of a first overhead of a first optical transport unit frame based on at least a characteristic of the first time stamp to a second location via a network”	Seth Reich	Brian Mack
61	16, 26, 30	“wherein the first time stamp is inserted into one of the frame alignment overhead portion, the optical channel transporting unit overhead portion, the optical channel data unit overhead portion, and the optical channel payload unit overhead portion of the first overhead of the first optical transport unit frame based on at least a	Seth Reich	Brian Mack

		characteristic of the first time stamp”		
62	22	“wherein the first time stamp is inserted into the one of the frame alignment overhead portion, the optical channel transporting unit overhead portion, the optical channel data unit overhead portion, and the optical channel payload unit overhead portion of the first overhead of the first optical transport unit frame based on at least a characteristic of the first time stamp”	Seth Reich	Brian Mack

B. AGREED TERMS

The parties agree on the construction of the following claim terms:

'236 Patent Agreed Terms			
No.	Claims	Claim Term	Agreed Construction
24	1-12, 15	“revers[e/ing] ... values of [a/the] [first / second] series of bit positions” / “values of a [first / second] series of bit positions...are reversed” / “values of a first series or a second series of bit positions ... aren’t reversed”	No construction necessary.
25	1-12, 15	“[a/the] first series of bit positions” / “[a/the] second series of bit positions”	No construction is necessary. The parties agree that the first series of bit positions and second series of bit positions are distinct.

26	2, 3, 5, 8, 9, 11, 13, 14	“[whether] the [client signal byte number] Cn exceeds [a/the] range [of client signal byte number]”	whether the client signal byte number Cn is higher than a maximum value of Cn or lower than a minimum value of Cn, which depend upon the client signal type
27	3, 9	“ identifying the Cn is normal in a first area in an optical channel payload unit-k (OPUk) overhead field of the OTN frame”	identifying, in a first area in an optical channel payload unit-k (OPUk) overhead field of the OTN frame, that the Cn value falls in a range between the minimum value and the maximum value of the acquired client signal Cn, which represents that the client signal type born by the current OPUk remains unchanged, and it is still the client signal type born by the previous OPUk
28	1-3, 7-9, 13-15	“generat[e/ing] a client signal byte number Cn transported in an OTN frame period according to [a/the] client signal clock and a system clock” / “computing the Cn transported in the OTN frame period according to a client signal clock and a system clock”	generat[e/ing] a client signal byte number Cn transported in an OTN frame period according to a value or rate of [a/the] client signal clock and a value or rate of a system clock computing the Cn transported in the OTN frame period according to a value or rate of a client signal clock and a value or rate of a system clock

'151 Patent Agreed Term			
No.	Claims	Claim Term	Agreed Construction
8	1-13	“low-rate traffic”	traffic rates less than 2.5 Gbps

'505 Patent Agreed Term			
No.	Claims	Claim Term	Agreed Construction
31	1-4	“determining a quantity of n-bit data units of the client signal based on a clock of the client signal and a local clock”	determining a quantity of n-bit data units of the client signal based on a value or rate of a clock of the client signal and a value or rate of a local clock
34	1-4	“mapping each byte of the second ODTU frame to at least one Optical Channel Payload Unit-k	No construction necessary.

		Tributary Slot (OPUk TS)”	The parties agree that one byte is eight bits.
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'111 Patent Agreed Term			
No.	Claims	Claim Term	Agreed Construction
48	30	“processing the second time stamp associated with the second location to measure a round trip delay of the network”	“processing the second time stamp associated with the second location to measure the round trip delay of the network”
49	6, 16, 22, 30	“generating a first time stamp associated with the first location” “a generating module to generate a first time stamp associated with the first location”	“generating a first time stamp associated with a first location” “a generating module to generate a first time stamp associated with a first location”

'288 Patent Agreed Term			
No.	Claims	Claim Term	Agreed Construction
56	6	“generating a first time stamp associated with the first location”	“generating a first time stamp associated with a first location”

C. TERMS SUBMITTED ON THE BRIEFING

The parties further agree to submit the following claim terms on the briefing and forego argument before the Court during the scheduled Markman hearing:

'433 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
3	1	<p>Method Steps:</p> <p>“placing the control blocks into a control block buffer as a control block group, setting a first identifier to identify the control block group, setting a second identifier to identify a last control block in the control block group, and placing the data blocks, as a data block group, into a data block buffer;</p> <p>setting a third identifier by using four bits of each control block to identify a block type of each of the control blocks; and</p> <p>setting a fourth identifier by using a space smaller than or equal to three bits of each control block to identify positions of each of the control blocks in the N 66B coding blocks.”</p>

'151 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
9	1	“transmitting the ODUk via the OTN” / “Transmitting a low-rate traffic signal in an Optical Transport Network (OTN)”
13	7-13	“adapted to”
14	12	“configured to”

'982 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
15	1, 5, 9, 12	“in groups of M bytes”
16	1, 5, 9, 12	“Lower Order Optical Channel Data Unit (LO ODU) signal”
17	1, 5, 9, 12	“Higher Order Optical Channel Payload Unit (HO OPU) signal”
18	1, 5	“[encapsulating / encapsulate] overhead information to an overhead area of the ODTU signal”
20	4-5, 8-9, 11-12, 14	“tributary slot”
21	1, 4, 5, 8-	“Optical Channel Data Tributary Unit (ODTU) signal”

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'505 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
33	1-4	"Optical Channel Payload Unit-k Tributary Slot (OPUk TS)"

'253 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
37	4, 6, 14	"configured to"
38	12	"null"

'485 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
44	8, 10	"a link where a normally blocked port locates"
45	8	"Automatic Protection Switching (APS) packet in Ethernet protection switching mechanism"

'111 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
50	4, 5, 8, 9, 14, 15, 18, 19, 29, 33	"digital wrapping circuit"

'288 Patent Terms Submitted on the Briefing		
No.	Claims	Claim Term
57	4, 5, 8, 9, 14, 15, 18, 19, 29, 33	"digital wrapping circuit"

The parties also agree to submit terms having disputes involving section 112 ¶ 6 on the briefing, which include the following:

Terms having dispute involving section 112 ¶ 6			
No.	Patent	Claims	Claim Term
4	'433	6, 14	"an acquisition unit configured to acquire N 66B coding blocks each of which contains 64B" "an acquisition unit configured to acquire a (64*N+1)B coding"

			<p>block”</p> <p>“a position recovery subunit configured to recover the control blocks to their positions in the N 66B coding blocks”</p>
5	'433	6, 14	<p>“a conversion unit configured to encode the acquired N 66B coding blocks into a $(64*N+1)B$ coding block”</p> <p>“a decoding subunit configured to decode the N 66B coding blocks to obtain data blocks containing data only and different types of control blocks each of which contains at least one control characters”</p> <p>“a conversion unit configured to decode the $(64*N+1)B$ coding block to recover N 66B coding blocks each of which contains 64B”</p> <p>“a decoding subunit configured to decode the $(64*N+1)B$ coding block to obtain a first identifier for identifying a control block group, a second identifier for identifying a last control block in the control block group, a third identifier for identifying the positions of the control blocks in the N 66B coding blocks, and a fourth identifier for identifying a block type of each of the control blocks”</p>
6	'433	6, 14	<p>“a control block group discrimination subunit configured to place the control blocks into a control block buffer as a control block group, set a first identifier to identify the control block group, set a second identifier to identify a last control block in the control block group, and place the data blocks, as a data block group, into a data block buffer”</p> <p>“a type discrimination subunit configured to set a third identifier by using four bits to identify a block type of each of the control blocks”</p> <p>“a position discrimination subunit configured to set a fourth identifier”</p> <p>“a control block group determination subunit configured to determine the control block group and a data block group containing data blocks only”</p> <p>“a control block type determination subunit configured to determine a type of each of the control blocks in the N 66B coding blocks”</p>
29	'236	7-12	“an acquiring unit” /

			“a client signal byte number Cn generating unit” / “a first processing unit” / “a second processing unit” / “a determining unit” / “an identifying unit” / “a determining unit” / “a filling unit” / “a parsing unit” / “a restoring unit”
35	'505	3, 4	“a first unit configured to ...” / “a second unit configured to ...” / “a third unit configured to ...” / “a fourth unit configured to ...” / “a fifth unit configured to ...” / “a sixth unit configured to ...” / “wherein the first unit, second unit, third unit, fourth unit, fifth unit and sixth unit are structural entities collectively comprising one or more processors instructed by one or more software programs”
39	'253	4	“an alarm message processing module, configured to: receive a fault alarm message; forward the fault alarm message downstream; extract, from the received fault alarm message, an identifier indicating a second node that detects a link fault occurring in a link connected to a port of the second node; and send the identifier to a judging module”
40	'253	4	“a fault information storing module, configured to store fault information which includes a collection of identifiers of received fault alarm messages”
41	'253	4	“the judging module, configured to: judge, according to the identifier extracted from the received fault alarm message and the fault information stored in the fault information storing module, whether the identifier extracted from the fault alarm message is different from the fault information stored in the fault information storing module; and if the identifier extracted from the fault alarm message is different from the fault information stored in the fault information storing module, instruct a forwarding table flushing module to clear a forwarding table of the first node in which the ring protection apparatus locates”
42	'253	14	“a first module, configured to determine whether the identifier contained in the fault alarm message is different from a fault identifier record stored in the first node”
43	'253	14	“a second module, configured to clear a forwarding table of the first node if the identifier contained in the fault alarm message is

			different from the fault identifier record stored in the first node”
51	'111	23-25	“A non-transitory computer readable storage media comprising code to perform the acts of the method of claim [1/6/22].”
52	'111	12, 16	“receiving module”
53	'111	12, 16, 20	“processing module”
54	'111	12, 16	“generating module”
55	'111	12, 14- 16, 18, 19	“transmission module”
58	'288	23-25	“A non-transitory computer readable storage media comprising code to perform the acts of the method of claim [1/6/22].”
63	'288	12, 16	“receiving module”
64	'288	12, 16, 20	“processing module”
65	'288	12, 16	“generating module”
66	'288	12, 14- 16, 18, 19	“transmission module”

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on December 17, 2020. Local Rule CV-5(a)(3)(A).

/s/ Jason D. Cassady
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